

DEC 19 2006

PTO/SB/54 (08-08)

Approved for use through 03/31/2007. OMB 0051-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	<b>Docket Number (Optional)</b> Stedma, K-01
--	---

First named inventor: Ken M. Stedman

Application No.: 10/685,917

Art Unit: 1724

Filed: 10/14/03

Examiner: Frank Lawrence Jr.

Title: Automated Water Treatment System And Method of Use

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

# APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☒ Small entity-fee \$750 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of (Identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (09-08)

Approved for use through 03/31/2007, OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

*Gene Scott*  
Signature

12/19/06  
Date

Gene Scott

Typed or printed name

37930

Registration Number, if applicable

2424 Bristol St., Suite 300

Address

949/ 251-9999

Telephone Number

Newport Beach, CA 92660

Address

Enclosures: ☒ Fee Payment Using PTO-2038

☒ Reply to Office Letter dated 3/21/05

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Dec. 19, 2006

Date

*Gene Scott*  
Signature

Gene Scott

Typed or printed name of person signing certificate

DEC 19 2006

**BEST AVAILABLE COPY**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10685917  
Applicant/Assignee : Ken M. Stedman/ MMFiltration Company  
Filed : 10/14/2003  
TC/A.U. : 1724  
Examiner : Frank Lawrence Jr.  
Docket No. : Stedma.K-01  
Customer No. : 22197

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**DECLARATION IN SUPPORT OF PETITION TO REVIVE (37 CFR 1.137(b))  
ESTABLISHING UNINTENTIONAL DELAY**

Sir:

In the above abandoned application, applicant hereby respectfully submits the following summary of facts and explanation showing unintentional abandonment and delay in revival of the subject application.

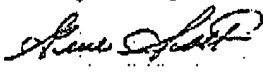
1. The above application was filed on 10/14/03 and a filing receipt was issued by the Office on 1/15/04. The application was in good standing at that time.
2. Recordation of assignment was received in our office on 5/24/04.
3. The application was examined and Office Action letter was mailed to our office on 3/21/05. Client was notified in our letter of 3/28/05.
4. Client was non-responsive to email and phone attempts to determine how we should respond to the Office with respect to the Office Action.
5. Notice of abandonment was received from the Office on 11/10/05 and the paper docket was marked "abandoned" and the electronic docket file was closed as

## BEST AVAILABLE COPY

shown in Exhibit A, enclosed, a photocopy of our electronic docket showing the application as closed on 11/14/05 with a note identifying the abandoned archive box 16 into which the paper docket file was placed..

6. Client was notified of the abandonment on 11/14/05 and responded immediately asking for our office to petition to revive the application.
7. On 12/22/05 I informed client that we would petition the Office to revive the application and sent client a copy of our Office Action rebuttal (enclosed). Client gave the okay to move forward with the petition to revive.
8. However, although I requested that the application be moved back into active status, our clerical staff failed to remove the paper docket from the abandoned file or to reinstate our electronic file.
9. At this time, the end of 2005, my paralegal clerk with over six year experience in my office had left our employ and a part time clerk was filling in for her until I could find a replacement, and it was an oversight on her part and mine that this application was not placed back into our active status records. This went unnoticed until our recent, end of year document review, wherein on 12/15/06 we discovered that we had inadvertently and unintentionally not petitioned to revive this application.
10. At this time we are using highly experienced legal clerical staff members and have added procedures in our office to prevent a repeat of this experience. I firmly believe that this could not happen again.

Respectfully submitted,

By:   
Gene Scott, Reg. No. 37,930  
Tel.: (714) 668-1900

## EXHIBIT A

Microsoft Word

Matter: Stedma.K.01

STEDMA.K.01

1 Standard | 2 Notes | 3 Linked Names | 4 Linked Events | 5 Linked Docs | APN

Matter: [Stedma.K.01] File/case#: [2358]

Title: [Automated Work Treatment System and Method of] Country: [US]

Attorney: [US] Note Code: [U] Opened: [01/25/03]

Apn #: [10589012] Apn Date: [11/14/03] Promise: [1.1]

Polen#: [ ] Issue Date: [ ] Final Pay Date: [ ]

PC? ☒ FR? ☒ DR? ☐ Due Date: [ ]

File In Storage ☐ Case on Hold ☐ PPA Filed ☐ Closed: [11/14/05]

Notes: [K-Box 1b] Dialer: [ ]

Notes: [ ] Writer: [ ]

Priority: [ ]

Add Close Delete Query Index MATTER